

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... August 20, 2003
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

Jack Rhoda
 Stuart Boehning
 KD Benson
 Jeff Kessler
 Gary Schroeder
 Steve Schreckengast
 David Williams
 Ashley Stevenson
 James Miller
 Karl Rutherford
 Mark Hermodson
 Kathy Vernon

MEMBERS ABSENT

Laura Peterson
 John Knochel
 Jan Mills

STAFF PRESENT

James Hawley
 Sallie Fahey
 Margy Deverall
 Krista Trout
 Doug Poad
 Michelle D'Andrea
 Jay Seeger, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 20th day of August 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

I. BRIEFING SESSION

James Hawley informed the Commission that **Z-2135--AARON TYRRELL AND BETHANY TYRRELL (R1 TO NB)** has been withdrawn by the petitioner. He stated that **S-3336 SHANGRILA SUBDIVISION (MAJOR-PRELIMINARY)** need to be continued to the September 17, 2003 meeting because the required revision of the preliminary plat was not filed and **S-3375 HICKORY RIDGE SUBDIVISION (MAJOR PRELIMINARY)** needed to be continued to the September 17, 2003 meeting because of a sign posting deficiency.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the July 16, 2003 public hearing. Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved to approve the minutes of the July 24, 2003 public hearing. Kathy Vernon seconded and the motion carried by voice vote.

III. NEW BUSINESS

A. RESOLUTION 03-01: Authority of the Executive Director

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Jay Seeger informed the Commission that this Resolution was a result of discussion at the Efficiency Work Sessions. He explained that the statute allowed the Executive Director to hire and fire employees with consent of the Plan Commission. He stated that this Resolution gives the Executive Director express authority, without prior approval for any staff position below the Assistant Director. He explained that at the last APC meeting it was referred to the Budget and Personnel Committee who is recommending approval by a vote of 3 to 1.

David Williams joined the meeting, 7:10 P.M.

KD Benson asked if this Resolution would supersede a change to County policy.

Jay Seeger stated that this would not supercede any full policy that the County has regarding staff members.

Mark Hermodson stated that he was in favor of this Resolution. He said that an Executive Director should have some executive authority. He stated that he was personally not qualified to determine the qualifications of staff members and the executive should be.

Steve Schreckengast asked for clarification whether the State Statute dictated the current policy.

Jay Seeger stated that was correct.

Steve Schreckengast asked whether the Resolution could be changed back at a later date.

Jay Seeger replied affirmatively. He explained that any Resolution or By-law could be reconsidered or re-voted on at any time.

Steve Schreckengast pointed out that all departments in the City of Lafayette have an approval process for all department heads. He suggested keeping the same procedure for the Executive Director. He stated that he would prefer that this Resolution be tabled until a new Executive Director is in place and revisit it in January 2004. He asked for confirmation from the staff whether there were any pressing personal matters or vacancies that needed to be filled.

James Hawley stated that there were not any vacancies that needed to be filled. He explained that he could not publicly discuss whether or not there were any pressing personnel matters. He pointed out that if the Commission decided to engage in these matters, then confidential personnel matters, especially possible terminations, would have to be discussed in a public meeting.

Steve Schreckengast asked if an executive session could be called to discuss confidential issues.

Jay Seeger replied affirmatively.

Steve Schreckengast stated that he would still prefer to table this discussion until January, when the new Executive Director is in place.

Jack Rhoda pointed out that with this Resolution the executive would still have a similar procedure for the positions of Assistant Director. He mentioned that it was only the positions below the Assistant Director that the Executive Director would have the authority to hire and terminate. He compared this authority to the authority that a principal at a school has.

Steve Schreckengast stated that he did not want to micromanage the Executive Director. He pointed out that the Commission would pass the majority of Executive Director recommendations.

Steve Schreckengast moved to table **RESOLUTION 03-01** to the January 2004 Area Plan Commission meeting. KD Benson seconded and the motion passed by voice vote.

B. RESOLUTION T-03-4: A resolution to adopt FY 2004 Transportation Improvement Program. Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

Mark Hermodson asked for elaboration on the US 231 project.

Doug Poad stated that the project on US 231, south of SR 25, consisted of replacing the foam blocks at all the intersections.

Steve Schreckengast pointed out that the foam blocks have a tendency to block vision.

Doug Poad stated that he was not familiar with the new design.

Mark Hermodson asked if Sagamore Parkway was ever going to be reconstructed.

Doug Poad pointed out the section of Sagamore Parkway, south of the Wabash River. He said that section would be replaced in 2007 or 2008. He stated that the section between Greenbush Street and McCarty Lane is in the early engineering phase.

Steve Schreckengast asked for elaboration on the time frame of widening SR 26.

Doug Poad mentioned that there were two projects on SR 26 that are currently in progress. He stated that widening SR 26 from I-65 to CR 550 East is in the right-of-way acquisition phase. He explained that it would be another 1-2 years for completion. He said that the section of SR 26 from CR 550 to CR 900 is in the early stages of development.

Steve Schreckengast asked if the projection for widening SR 26 was 1 –2 years or more.

Doug Poad stated that the first SR 26 project was a possibility for a 1-2 year completion. He said that the second SR 26 project has a projection of 2007-2008 at the earliest.

KD Benson asked for clarification on the map.

Doug Poad explained that there was a small structure replacement on SR 28, scheduled for 2005 and estimated at \$457,000.

Ashley Stevenson asked if any improvements on SR 38 through Dayton would be done in the next 2 years.

Doug Poad explained that in the next 2 years the engineering stage might be complete.

Ashley Stevenson asked if construction would be started in 5 years.

Doug Poad stated that it would be at least 5 years.

Stuart Boehning asked for elaboration on SR 43.

Doug Poad mentioned that there are two projects scheduled for SR 43. He stated that the widening project from I-65 to CR 725 North has a possibility of starting construction in 2004. He said that the next project from CR 725 into the Town of Brookston is in the early design phases.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **RESOLUTION T-03-04.**

C. RESOLUTION T-03-5: A resolution to adopt FY 2004 Air Quality Assurance.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **RESOLUTION T-03-05.**

D. PRIMARY APPROVAL EXTENSION

BILTZ COMMERCIAL SUBDIVISION (MAJOR-PRELIMINARY PLAT)

The developer is requesting a 2-year extension of the conditional primary approval (S-2740), originally granted September 16, 1998. Unless extended, approval will expire on September 16, 2003 for this 3-lot commercial subdivision on 10.729 acres, located on the north side of the US 52 and SR 25 intersection, in Fairfield (Longlois Reserve) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation for approval of the extension of time subject to all applicable conditions of the original primary approval:

A. Variances

1. A variance to reduce the required minimum centerline radius from 200 feet to 100 feet.
2. A variance to reduce the required minimum length of a tangent between reverse curves from 200 feet to 178.90 feet.
3. A variance to reduce the required installation of sidewalks from both sides of the street to one side only.

B. Conditions

1. Except for the approved entrances, "No Vehicular Access" statements shall be platted along the US 52 and SR 25 right-of-way lines. This restriction shall be included in the subdivision covenants as enforceable by the Area Plan Commission and irrevocable by the lot owners.
2. The sanitary sewer and water plans shall be approved by the City of Lafayette, as part of the construction plans.
3. Depending on the progress of the annexation of this subdivision, an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be submitted to both the Tippecanoe County Soil and Water Conservation District and the County Drainage Board or the Lafayette City Engineer. The Drainage Board or City Engineer must approve the storm water management plan, including the Erosion and Sediment Control Plan, in writing. The approval and plan must be incorporated in, and made a part of, the construction plans.
4. All existing easements, covenants or restrictions (not vacated or deleted) shall be shown on the final plat(s) and referenced with the corresponding recording information (Document Number and date recorded).
5. An overall utility coordinating sheet shall be included in the construction plans. This utility sheet shall be approved and signed-off by the non-government utility companies.
6. All required setbacks shall be shown on the final plat(s).
7. The Lafayette City corporation line must be shown on the final plat.
8. The Regulatory Flood Elevation and Boundary shall be described and shown on the final plat. The final plat must also include a certification of the areas of the plat that are at or above the Regulatory Flood Elevation (100 year flood elevation), as specified in the Unified Zoning Ordinance, Section 2-26-17.
9. The street addresses and County Auditor's Key Number shall be shown on the final plat.

James Hawley presented slides of the zoning map, aerial photo and preliminary plat.

Jack Coffin 341 Concord Road, Lafayette, IN, stated that he was available for questions.

Jeff Kessler stated that this was a positive move and was in favor of this extension.

The Commission voted by ballot 12 yes – 0 no to approve the 2-year extension of the conditional primary approval of **BILTZ COMMERCIAL SUBDIVISION (MAJOR-PRELIMINARY PLAT)**.

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

Jeff Kessler moved to continue **S-3336 SHANGRILA SUBDIVISION (MAJOR-PRELIMINARY)** and **S-3375 HICKORY RIDGE SUBDIVISION (MAJOR PRELIMINARY)** to the September 17, 2003 APC meeting at 7:00 pm. Kathy Vernon seconded and the motion carried by voice vote.

A. ORDINANCE AMENDMENTS

1. **UZO AMENDMENT #40 (OMNIBUS AMENDMENT):**
Minor changes to Chapters 3, 4, 5 and 6, more specifically: permitting job training and vocational rehab services and residential care by special exception in A and AW, allowing changeable copy signs in rural zones, creating gateway sign requirements, eliminating the requirement for two permits for temporary signs, and requiring screening for building contractors with rural home occupations.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

Jeff Kessler commended the staff for deleting the requirement for 2 permits for a temporary sign.

Sallie Fahey informed the Commission that Al Levy suggested both sign amendments.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **ORDINANCE AMENDMENT #40 (OMNIBUS AMENDMENT).**

B. REZONING ACTIVITIES

1. **Z-2124—MICHAEL A. DILLING (R2 TO NBU):** Petitioner is requesting rezoning of 8,466 square feet of land located at the southeast corner of 9th and South Streets (901 South Street), Lafayette, Fairfield 28 (NW) 23-4. *CONTINUED FROM THE JULY MEETING BY INCONCLUSIVE VOTE.*

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey waived the reading of the staff report and slide presentation because they were already reviewed at previous meetings.

Larry O'Connell 223 Main Street, Lafayette, IN, asked for approval as per the staff's recommendation. He stated that this was a business intersection and recapped the other businesses on this corner. He mentioned that this site has been a business for many years. He said that the railroad right-of-way was taken over by the City of Lafayette and then sold to Michael Dilling. He pointed out that the closest R2 zones are not used as residential, but as museums. He asked that this site be maintained as a business since it has been a business for 40 years.

Kevin O'Brien, 909 South Street, Lafayette, IN, asked for denial of this request. He explained that a zone of NB would allow extensive commercial construction in front of the Fowler House. He stated that a business zone would be an incompatible use for the residential character of the neighborhood. He informed the Commission that the neighborhood does not support this petition. He mentioned that he has not seen a lot, if any, business being conducted at this site.

Jane Boswell 800 East State Street, Lafayette, IN, stated that she was the current co-chair person of the 9th Street Hill Neighborhood association. She pointed out that several years ago the businesses opposite this site have undergone major remodeling that were sensitive to the historic nature of the area. She informed the Commission that several of the area neighborhood associations have been in conversation with the Marsh Company in hopes of improving the Village Pantry site. She requested denial.

Larry O'Connell stated that he hoped that the Village Pantry improvements did go through. He pointed out that the building in question has been at this site for 50 years. He explained that at the time the railroad owned the property the petitioner held an improvement interest. He stated that it was an oversight on the part of the railroad company that it was rezoned to R2. He pointed out that the museums, which have a residential zone, are not used as such and create more traffic than the petitioner's business.

KD Benson asked if this site was included in the 9th Street Neighborhood rezoning process.

Michael Dilling, 901 South Street, Lafayette, IN, replied affirmatively.

Steve Schreckengast asked how long ago that was.

Sandy Lahr, 822 Kossuth Street, Lafayette, IN, explained that the 9th Street Neighborhood rezoning was started in January 1998 and completed in November 1999.

Larry O'Connell pointed out that all of the recorded landowners received notification of the rezone and at the time the petitioner only held an improvement interest and was not notified.

Steve Schreckengast stated that this site was more suited for a business than a duplex. He said that this is a sensitive corner and hoped that there would be more guarantees as to what it can become. He suggested that a PD might give everyone an extra level of comfort.

The Commission voted by ballot 3 yes – 9 no to recommend denial of **Z-2124—MICHAEL A. DILLING (R2 TO NBU)** to the Lafayette City Council.

Yes votes

James Miller
Ashley Stevenson
Karl Rutherford

No votes

Gary Schroeder
David Williams
Jack Rhoda
Mark Hermodson
Steve Schreckengast
KD Benson
Kathy Vernon
Jeff Kessler
Stuart Boehning

2. **Z-2136--DANNY E. & HENRIETTA Y. PATTENGAL (GB TO R1):** Petitioners are requesting the rezoning of one lot located on the southwest corner of Railroad Street and Strong Avenue, in Colburn, Washington 24 (NW) 24-3.
CONTINUED FROM THE JULY MEETING.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map and aerial photo.

Sallie Fahey read the staff report with recommendation of approval

Danny Pattengale 6910 Railroad Street, Colburn, IN, stated that he was available to answer questions.

The Commission voted by ballot 12 yes –0 no to recommend approval of **Z-2136--DANNY E. & HENRIETTA Y. PATTENGAL (GB TO R1)** to the Tippecanoe County Commissioners.

3. **Z-2140—TBIRD DESIGN SERVICES CORP, BY DAVID N. AYALA (R1U TO GB):** Petitioner is requesting rezoning of 1,252 square feet of land located on the northeast corner of the Erie and Ferry Street intersection, Lafayette, Fairfield 21 (SW) 23-4.
4. **Z-2141—TBIRD DESIGN SERVICES CORP, BY DAVID N. AYALA (GB TO R1U):** Petitioner is requesting rezoning of 262 square feet of land located on the northeast corner of the Erie and Ferry Street intersection, Lafayette, Fairfield 21 (SW) 23-4.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded the motion.

James Hawley presented slides of the zoning map, 2 aerial photos and site plan.

Sallie Fahey read the staff report with recommendation of approval. She read the following letter in favor, into the record:

Patricia Stephenson, Executive Director of Lafayette Neighborhood Housing Services, Inc.

Dave Ayala, TBird Design, 4720 South 100 West, Lafayette, IN, presented a display board of the project's design. He informed the Commission that a sketch plan for the subdivision phase has already been filed.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **Z-2140—TBIRD DESIGN SERVICES CORP, BY DAVID N. AYALA (R1U TO GB)** to the Lafayette City Council.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **Z-2141—TBIRD DESIGN SERVICES CORP, BY DAVID N. AYALA (GB TO R1U)** to the Lafayette City Council.

V. ADMINISTRATIVE MATTERS

James Hawley presented the semi annual attendance report.

Sallie Fahey presented a copy to Jack Rhoda of the nomination application to the Indiana Land Use Consortium for the rural estate ordinance.

Jack Rhoda asked Sallie Fahey to recap the circumstances around this nomination.

Sallie Fahey informed the Commission that she had given a presentation to the Indiana Land Resources Council regarding the RE Ordinance and it was well received. She mentioned that one member of the Council commented that one of the reasons that the RE Ordinance works is because it includes rezoning. She stated that she received an e-mail from Jamie Palmer, President of the Indiana Planning Association and the Indiana Land Use Consortium. She said that the e-mail suggested that the Commission make a nomination for this ordinance to be one of those screened for an award from the Indiana Land Use Consortium. She mentioned that it was also suggested that it be nominated for an Indiana Planning Association Award, later this year. She stated that the deadline for the nomination was August 15, 2003.

Sallie Fahey presented a copy of the Efficiency Work Session summary, highlighting topics that had been discussed, decisions made and possible solutions. She reminded everyone that the next efficiency work session is tomorrow, August 21, at 4:30 PM.

Jack Rhoda stated that after the efficiency work session, there would be an Executive Session at 6 PM.

Jay Seeger informed the Commission that telephone interviews between the sub-committee and the Executive Director candidates would be conducted during the Executive Session. He explained that the sub-committee would make a recommendation, based on the phone interviews, who should be brought in for an in-person interview.

Steve Schreckengast asked if there was an organizational chart for the personnel.

Sallie Fahey replied affirmatively. She stated that one was passed out in the folders for the candidate forums. She said that she would bring extra copies to the next meeting.

James Hawley commended Jay Seeger for all of the work and extra time he has put in on the flood plain matters. He pointed out that the bill would be above and beyond the usual and customary services. He explained that there was not enough money in the budget to cover normal legal fees for the rest of the year, much less all the additional work. He stated that he would be asking the Council to move unused money out of the Assistant Director's account and into the legal fees account and the travel and training account. He mentioned that it still might not be enough, in which case the legal bills toward the end of the year would have to come out of next years budget.

Gary Schroeder referred to a suggestion James Hawley made in the minutes of the Budget and Personnel Committee regarding an annual review of the Executive Director. He stated that he would like there to be a motion for the Budget and Personnel Committee to address that at their next meeting.

James Hawley stated that was something that Jay Seeger was going to look at during the whole By-Law review process.

Jay Seeger confirmed that they were in the process of developing revisions to the By-Laws including, but not limited to, the committee structures and personnel.

VI. APPROVAL OF THE SEPTEMBER 2003 EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the following subdivision petitions be placed on the September 3, 2003 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3290- RED HAWK RIDGE SUBDIVISION (MINOR –SKETCH)

S-3378- RANDALL RIDGE SUBDIVISION (MINOR SKETCH)

Kathy Vernon seconded and the motion carried by voice vote.

VII. DETERMINATION OF VARIANCES -- Area Board of Zoning Appeals

None.

VIII. DIRECTOR'S REPORT

None.

IX. CITIZENS' COMMENTS AND GRIEVANCES

X. ADJOURNMENT

Jeff Kessler moved for adjournment. Kathy Vernon seconded and the motion carried by voice vote.

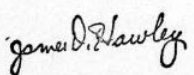
The meeting was adjourned at 8:10 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley
Executive Director